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Attorneys for Defendant and Counterclaimant
13 PHILIPS LUMILEDS LIGHTING COMPANY, LLC

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 OAKLAND DIVISION
17

18 EPISTAR CORPORATION,
19 Plaintiff,
20 v.
21 PHILIPS LUMILEDS LIGHTING
22 COMPANY, LLC,
23 Defendant.

24 AND RELATED COUNTERCLAIMS
25

Case No. C 07-5194 CW

**DECLARATION OF MICHAEL J. LYONS
IN SUPPORT OF PHILIPS LUMILEDS
LIGHTING COMPANY'S REPLY IN
SUPPORT OF ITS MOTION FOR STAY**

MOTION UNDER SUBMISSION
PURSUANT TO COURT ORDER DATED
JANUARY 29, 2008

1 I, Michael J. Lyons, declare as follows:

2 1. I am an attorney duly licensed and admitted to practice before this Court and a
3 partner in the law firm of Morgan, Lewis & Bockius LLP. I am one of the attorneys for
4 defendant and counterclaimant Philips Lumileds Lighting Company, LLC ("Lumileds"), in the
5 present action. I have personal knowledge of the facts stated herein, and if called and sworn as a
6 witness, I could testify competently thereto. I make this declaration in support of Lumileds' reply
7 in support of its motion to stay the above-entitled proceedings pending the resolution of the
8 related proceedings in the United States International Trade Commission.

9 2. I am one of the attorneys for defendant and counterclaimant Lumileds in the
10 proceedings before the United States International Trade Commission ("ITC"), titled *In the*
11 *Matter of Certain High-Brightness Light Emitting Diodes and Products Containing Same*, Inv.
12 No. 337-TA-556 (the "ITC Investigation").

13 3. Attached hereto as Exhibit G is a true and correct copy of pertinent excerpts from
14 what the parties have referred to as the "Epistar/Lumileds Settlement Agreement," specifically,
15 the Settlement Agreement between Epistar and Lumileds in the matter of *Epistar Corporation v.*
16 *Lumileds Lighting LLC*, Case No. C 03-1130 CW (N.D. Cal., transferred from C.D. Cal. March
17 17, 2003). **This document is confidential and subject to the Protective Order** entered by the
18 administrative law judge in the ITC Investigation. A copy of that Protective Order has been
19 submitted as Exhibit A to the Declaration of Andrew J. Wu In Support Of Philips Lumileds
20 Lighting Company's Motion To Stay ("Wu Declaration"), filed with this Court on January 31,
21 2008, with Lumileds' motion to stay the present litigation.

22 4. Attached hereto as Exhibit H is a true and correct copy of an excerpt from the
23 public version of Epistar's Petition For Review Of The Administrative Law Judge's Order No.
24 14, filed in the above-referenced ITC Investigation on April 20, 2006. The Commission
25 subsequently denied Epistar's Petition for Review, as set forth in Exhibit E to the Wu
26 Declaration.

27 5. What the parties have called the UEC/Lumileds Settlement Agreement, the

1 UEC/Lumileds License Agreement, and the UEC/Lumileds Consent Judgment were all part of the
2 same settlement agreement. Specifically, the UEC/Lumileds License Agreement and the Consent
3 Judgment are Exhibits A and B, respectively, to the UEC/Lumileds Settlement Agreement.

4 6. Attached hereto as Exhibit I is a true and correct copy of an excerpt from the
5 public version of the Brief Of Appellant Epistar Corporation, filed in the United States Court of
6 Appeals for the Federal Circuit on October 31, 2007, in Case No. 2007-1457, on appeal from the
7 above-referenced ITC Investigation.

8 I declare under the penalty of perjury under the laws of California and the United States
9 that the foregoing is true and correct. Executed this 22nd day of February, 2008 in Palo Alto,
10 California.

11 /s/ Michael J. Lyons
12 Michael J. Lyons